

## 1 SENATE BILL NO. 328

2 INTRODUCED BY MANGAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL EMPLOYEES OF DAY-CARE CENTERS THAT  
5 PROVIDE DAY CARE ON AN IRREGULAR BASIS TO SUBMIT TO A CRIMINAL BACKGROUND  
6 INVESTIGATION BY MEANS OF A NAME-BASED OR FINGERPRINT CHECK; AND AMENDING SECTION  
7 52-2-704, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Background checks for employees of day-care centers that provide**  
12 **irregular care.** All employees of day-care centers that provide irregular care shall submit to a criminal and child  
13 protection background check, which must include information pertaining to criminal convictions, reports of  
14 domestic violence, and substantiated child abuse or neglect of children. The department shall require a criminal  
15 background investigation of each employee of a day-care center that provides irregular care, including license  
16 applicants, as provided in 52-2-721(6), by means of a NAME-BASED OR fingerprint check by the Montana  
17 department of justice and the federal bureau of investigation.

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19 **Section 2.** Section 52-2-704, MCA, is amended to read:

20 **"52-2-704. Duties of department.** (1) The department is responsible for planning, implementing, and  
21 coordinating programs under the Montana Child Care Act.

22 (2) The department shall:

23 (a) assess child-care needs and resources within the state;

24 (b) develop a state child-care plan;

25 (c) coordinate child-care programs administered by all state agencies;

26 (d) issue licenses to persons to receive children into a day-care center on a regular basis;

27 (e) prescribe the conditions and publish minimum standards upon which licenses and registration  
28 certificates are issued;

29 (f) adopt rules for day-care facilities consistent with the purposes of this part;

30 (g) adopt rules for day-care centers that provide day care on an irregular basis;.

